

APR. 8. 2003 4:04PM

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2003 APR -9 PM 4:38

U.S. PATENT & TRADEMARK  
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FACSIMILE TRANSMITTAL SHEET

To:

Latrice Sims

From:

Sarah A. Kagan

COMPANY:

U.S. Patent & Trademark Office

DATE:

Tuesday, April 08, 2003

FAX NUMBER:

703.308.6778

TOTAL NO. OF PAGES:

2

Re: Overpayment

OUR REFERENCE NO.:

99999.99999

If you do not receive all page(s) or have any problems receiving this transmission, please call:

NAME: Hayden Laura McPherson

PHONE: 202/824-3161

Dear Ms. Sims:

On November 27, 2002, we authorized a debit from Deposit Account 19-0733 to pay a one-month extension of time fee for a large entity. Subsequently, we have been advised by our client that they qualified for small entity status at the time of the filing. Accordingly, could you please arrange for our Deposit Account to be credited back the \$55 difference between the large entity and small entity fees?

The serial number for this application is 09/749,601, and the date of the filing was November 27, 2002.

Please see attached email communication from our client attesting to their small entity status.

06/10/2003 EEKUBAY1 00000005 190733 09749601

01 FC:2251 55.00 CH

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Adjustment date: 06/10/2003 EEKUBAY1  
12/02/2002 MAHMED1 00000069 190733 09749601  
01 FC:1251 110.00 CR

04/08/03 TUE 15:02 [TX/RX NO 8747] 0001

Sarah Kagan

**From:** Patrick Farley [Farley@MORPHOTEK.com]  
**Sent:** Monday, April 07, 2003 11:09 AM  
**To:** Sarah Kagan  
**Cc:** Steve Kyriakos  
**Subject:** JHU Invoice

Dear Sarah,

I received an invoice from Johns Hopkins for DM-3351 (Your Ref.: 001107.00069) for the U.S. "Hypermutable Plants" case. The invoice (Inv. No. 1535627) is for a one month extension of time in the amount of \$110. However, I note that this is the fee for a large entity. Morphotek only has 39 employees, and this case is not licensed to any entity that qualifies as a large entity. Further, JHU should qualify for small entity fees, therefore, this should have been paid under the small entity fee schedule.

Marilyn Ciuffo at JHU (Tel. (410) 347-3206) asked if you could reissue this invoice with the correct amount. I did not notice that the amount was incorrect at the time of filing (November 27, 2002). If this is a problem with the firm, Marilyn asked for you to speak with Cheryl at JHU.

In the future, please be sure that Morphotek is treated as a small entity. I will be happy to execute a statement of small entity status for these cases for your records if you wish.

Please let me know how you wish to proceed in this regard.

Best wishes,

Patrick

Patrick J. Farley, J.D., Ph.D.  
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Exton, PA 19341  
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703/305-4631  
09/749, #601  
11/27/2002

4/7/2003

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